

SIDNEY M. DAVIS.

MARCH 31, 1896.—Laid on the table and ordered to be printed.

Mr. OTJEN, from the Committee on War Claims, submitted the following

ADVERSE REPORT:

[To accompany H. R. 6619.]

The Committee on War Claims, to whom was referred the bill (H. R. 6619) for the relief of Sidney M. Davis, beg leave to submit the following report, and recommend that said bill do not pass:

The bill authorizes the Secretary of War to amend the military record of Sidney M. Davis by striking therefrom the charge of absent without proper authority from Camp Parole, etc.

The military record of Sidney M. Davis is given in a letter from the Adjutant-General to the Secretary of War, hereto attached and made a part of this report.

Your committee report adversely to the bill.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 24, 1896.

SIR: I have the honor to return herewith H. R. 6619, Fifty-fourth Congress, first session, for the relief of Sydney M. Davis, late a private in Company F, Sixth Regiment of Cavalry, United States Army, and to report as follows:

The records of this office show that Private Sidney M. Davis, Company F, Sixth United States Cavalry, enlisted July 8, 1861, for three years; that he was properly accounted for on the records of the company until July 3, 1863, when he was captured at Mechanicstown, Md., or Fairfield, Pa.; that he was confined at Richmond, Va., July 21, 1863; that he was paroled at City Point, Va., September 29, 1863; that he reported at College Green Barracks, Md., September 30, 1863; that he was sent to Camp Parole, Md., October 21, 1863, where he arrived the same day; that he there deserted November 27, 1863; that he returned March 16, 1864; that he was sent to hospital July 7, 1864; that he was restored to duty without trial August 3, 1864, with loss of all pay and allowances from date of desertion to date of restoration to duty, per Special Orders, No. 191, Headquarters Middle Department, Eighth Army Corps, Baltimore, Md., August 2, 1864; that he was sent to Dismounted Camp near Washington, D. C., August 5, 1864, and that he was discharged at Washington, D. C., August 13, 1864, by expiration of term of service.

The records of this office were amended in April, 1887, by removing the charge of desertion, as he was restored to duty without trial, but the record of the fact of desertion was not removed until June 7, 1887, when, upon satisfactory evidence presented to this office the Secretary of War ordered the removal of the same and the substitution of "absence without proper authority from November 27, 1863, to March 16, 1864."

The records further show that on January 4, 1864, Private Davis, while absent in desertion, was arrested by the provost-marshal, Twenty-second district of Pennsylvania, and released the same day on producing a furlough, which proved to be a spurious paper; that he subsequently voluntarily returned to Camp Parole, Md., i. e., in March, 1864, and was returned to duty, etc., as above set forth.

In one of the numerous letters addressed by the claimant to this office in his claim for removal of the charge of desertion he admits that he was absent without leave, and states that there was laxity of discipline at Camp Parole, Md. (which is to some extent corroborated by the records of this office); that this state of affairs resulted in a traffic in spurious passes and furloughs, which cost from \$2 to \$15 each, and that he purchased one which stated that he was a paroled prisoner on furlough until exchanged; that his purpose of buying one of these furloughs was to save himself from annoyance and the \$30 reward paid at that time for the apprehension of deserters.

It should here be stated that through the neglect of the authorities at Camp Parole, Md., the claimant was not held to a compliance with the conditions of his restoration to duty; that he was sent from Camp Parole to Washington in August, 1864, and was discharged at the latter place August 13, 1864, without any stoppage whatever, receiving all his pay, bounty, etc., from April 30, 1863, when last paid, to date of discharge.

His claim for commutation of rations while a prisoner of war appears to have been made many years afterwards, and has apparently been rejected by the Auditor for the War Department, United States Treasury.

There is on file in this office voluminous correspondence of the claimant relating to the removal of the charge of absence without proper authority, applications for which have been repeatedly denied by the Assistant Secretary of War on the ground that the records show such absence without authority to have been a fact, which can not be changed, and for the further reason that the claimant himself admitted that he absented himself without being properly authorized to do so.

The case of Austin M. Foulk, late sergeant Company F, Nineteenth Indiana Volunteer Infantry, referred to in the bill, is different from that of Sidney M. Davis, for the reason that the authorities at Camp Parole, in order to remedy the laxity of discipline, issued orders about November 21, 1863, prohibiting paroled prisoners from leaving the camp. These orders were issued after Foulk left the camp, but before Sidney M. Davis absented himself.

Favorable action on the proposed legislation can not be recommended.

Very respectfully,

GEO. D. RUGGLES, *Adjutant-General.*

The SECRETARY OF WAR.